

REMARKS

General Comments

With this Amendment, Applicants cancel Claim 20. Therefore, Claims 1, 2, 4, 5, 7-15 and 17-19 are all the claims currently pending in the present application.

§102 Rejections. Claim 20 stands rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Liukkonen et al., U.S. Patent No. 6,230,214 (“Liukkonen”). Applicants have cancelled Claim 20.

§103 Rejections. Claims 1, 4, 7-15 and 17-19 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Liukkonen, in view of Motohashi, U.S. Patent No. 6,483,622 (“Motohashi”). Applicants respectfully traverse this rejection as set forth below.

Allowable Subject Matter. The Examiner indicates that Claims 2 and 5 contain allowable subject matter and would be allowed if rewritten into independent form, including the limitations of the claims from which they depend. Applicants respectfully request that the rewriting of these claims be held in abeyance until the rejections of Claims 1 and 4, from which they depend, have been reconsidered.

Examiner Interview. A telephonic interview was conducted with the Examiner on January 28, 2004. A Statement of the Substance of the Interview follows.

Statement of the Substance of the Interview

During the interview conducted on January 28, 2004, the outstanding Final Office Action of July 30, 2003 was discussed. The Examiner indicated that the finality of the July 30, 2003 Office Action was withdrawn and that a new Office Action would be issued within the following weeks.

Claims 1, 4, 7-15, and 17-19 over Liukkonen and Motohashi

Without commenting on the substantive merits of the Examiner's §103(a) rejection of Claims 1, 4, 7-15, and 17-18 over Liukkonen and Motohashi, Applicants respectfully submit that Motohashi is unavailable as a prior art reference under 35 U.S.C. § 103.

Applicants submit that the filing date of the present application (August 23, 2000) predates the issue date of Motohashi (November, 19, 2002). Thus, Motohashi, at best, would only be available as prior art 35 U.S.C. § 103 based on 35 U.S.C. § 102(e). Under 35 U.S.C. § 103(c), Applicants may make a showing of common ownership to overcome a rejection under §103(a), if the reference is only available as a reference under §102(e), (f) or (g).

The undersigned hereby represents that Motohashi and the claimed invention of the present application were, at the time the invention of the present application was made, owned or subject to an obligation of assignment to NEC Corporation.

Therefore, in view of the above, it is respectfully submitted that Motohashi is not available as prior art under 35 U.S.C. § 103, and it is requested that the rejection of Claims 1, 4, 7-15, and 17-18 over Liukkonen and Motohashi be reconsidered and withdrawn.

AMENDMENT UNDER 37 C.F. R. § 1.111

U.S. Application No. 09/643,765

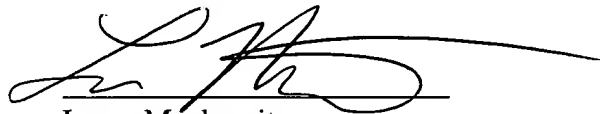
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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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